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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MATT HOSSEINZADEH, <i>Plaintiff,</i> — vs — ETHAN KLEIN and HILA KLEIN, <i>Defendants.</i>	Civ. Action No.: 16-cv-3081 (KBF) DEFENDANTS’ RESPONSE TO PLAINTIFF’S LOCAL RULE 56.1 ADDITIONAL STATEMENTS OF FACT IN OPPOSITION TO DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT
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Pursuant to Local Rule 56.1, Defendants Ethan and Hila Klein (collectively, “Defendants”) hereby reply to Plaintiff Matt Hosseinzadeh’s Additional Statement of Facts in Opposition to Defendants’ Motion for Summary Judgment. Insofar as Plaintiff’s Opposition relies on factual assertions raised in his Local Rule 56.1 Separate Statement (ECF #89), Defendants direct this Court to their responses to said statement (ECF #95).

64. YouTube revenues tend to be seasonal and, therefore, comparing the same months from year to year would provide the most accurate contrast of expected revenues for each month. (Hosseinzadeh Op. Decl. ¶ 5.).

RESPONSE: Undisputed. Defendants deny the materiality of Paragraph 64 because it is irrelevant to the issues of substantial truth and protected opinion that are presented in Defendants' Motion for Summary Judgment.

65. Plaintiff's average monthly revenue dropped by 88.2% following the publication of the Defamatory Video.

RESPONSE: Undisputed. Defendants deny the materiality of Paragraph 65 because it is irrelevant to the issues of substantial truth and protected opinion that are presented in Defendants' Motion for Summary Judgment. Insofar as Paragraph 65 contains assertions of law, no response is required.

66. Following the publication of the Defamatory Video, Defendants' fans left comments on Plaintiff's YouTube channel, iTunes store page, and Amazon store page with fake reviews about his products including:

- Tried to listen to it but was dmc removed and lawsuit up the bot
- H3H3 criticized his work and got sued for it, grade A piece of s*** here.
- I added this album to my wishlist and instantly received an email saying that I was being sued.
- Remember, if you can't make quality content that stands on its own, you can always sue your critics to keep them at bay.
- I'm being sued as I write this review for writing a review.

(Pl. Ex. 28, Hate Mail & Comments.)

RESPONSE: Undisputed. Defendants deny the materiality of Paragraph 66 because it is irrelevant to the issues of substantial truth and protected opinion that are presented in Defendants' Motion for Summary Judgment. Insofar as Paragraph 66 contains assertions of law, no response is required.

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DATED: March 6, 2017

FOX ROTHSCHILD LLP

By: /s/ Rom Bar-Nissim

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